

EXECUTIVE ORDER

No. 84 - 11

WHEREAS, the Congress of the United States of America passed the Deficit Reduction Act of 1984 (hereafter "H.R. 4170"); and

WHEREAS, as Governor of the State of Arizona, on October 12, 1984, I issued Executive Order No. 84-8 proclaiming a formula for the allocation of a portion of the State Ceiling for private activity bonds as described in H.R. 4170, and on December 13, 1984, I issued Executive Order No. 84-10 supplementing Executive Order 84-8; and

WHEREAS, pursuant to Executive Order No. 84-8, notices of intent for carryforward projects have been filed with the Office of Economic Planning and Development; and

WHEREAS, the State Ceiling for private activity bonds for 1984 is \$499,170,000 of which \$280,385,000 has now been allocated pursuant to Executive Orders 84-8 and 84-10; and

WHEREAS, by this order I will supplement Executive Orders 84-8 and 84-10 in order to allocate the balance of the 1984 State Ceiling;

NOW, THEREFORE, I, BRUCE BABBITT, GOVERNOR OF THE STATE OF ARIZONA, DO HEREBY PROCLAIM AND ORDER AS FOLLOWS:

Section 1. Supplemental Nature of this Executive Order. This Order shall supplement Executive Orders 84-8 and 84-10. All definitions contained in Section 1 of Executive Order 84-8 shall have the same meanings as if set forth in this Order unless expressly stated otherwise herein.

Section 2. Additional Definitions.

For purposes of this order the following words shall have the following meanings:

Q. "Carry Forward Project" shall mean a project described in Section 103(b)(4) or (5) of the Code and shall also include student loan bonds.

R. "Deposit Security" shall mean cash, bank cashiers check, a surety bond or a letter of credit in favor of the State placed by an issuer or user to secure the performance of the issuer with respect to the completion of financing of the amounts allocated herein.

Section 3. Eligibility for Carry Forward Projects.

I hereby determine that the following projects are Carry Forward Projects and thus are eligible for allocations which may be carried forward into subsequent years*:

Issuer	Project	User	Total Amount of Project Requested
Industrial Development Authority of the County of Maricopa	Air & Water Pollution Control	Motorola, Inc.	\$6,000,000
Industrial Development Authority of the County of Pinal	Pollution Control	Magma Copper Company	\$20,000,000
Industrial Development Authority of the Town of Gilbert	Wastewater Reclamation Facility	Parsons Municipal Services, Inc.	\$18,000,000
Industrial Development Authority of the County of Apache	Facilities for Local Furnishing of Elec- tricity, etc.	Tucson Electric Company, etc.	\$370,000,000
Industrial Development Authority of the County of Greenlee	Pollution Control	Pheips Dodge Corporation	\$73,500,000
Municipal Finance Corpor- ation of the City of Tolleson	Sewer Lines	City of Tolleson	\$10,000,000
Arizona Educational Loan Marketing Corpor- ation ("AELMAC")	Student Loans	AELMAC	\$145,000,000

* For projects, persons and purposes stated in Authority's Notice of Intent for Carryforward projects.

Section 4. Allocation, Conditions, Deposit Security.

(a) The allocation formula set forth in this Order will allocate the remaining \$218,785,000 of the 1984 State Ceiling.

(b) I hereby proclaim the following formula for the allocation of the remaining 1984 State Ceiling: each respective issuer mentioned in Section 3 is allocated the portion of the remaining 1984 State Ceiling that the "total amount of project requested" (as set forth above) bears to the aggregate total amount requested for all projects. The formula allocates the following amounts:

Industrial Development Authority of the County of Maricopa	\$2,043,000
Industrial Development Authority of the County of Pinal	\$6,810,000
Industrial Development Authority of the Town of Gilbert	\$6,129,000
Industrial Development Authority of the County of Apache	\$125,985,000
Industrial Development Authority of the County of Greenlee	\$25,026,750
Municipal Finance Corporation of the City of Tolleson	\$3,405,000
AELMAC	\$49,372,500

provided, however, that in order for an issuer to perfect an allocation made pursuant to this Order, the issuer or the named user of the project shall deliver to the Office Deposit Security in a penal amount equal to 1% of such respective allocation or the portion thereof the issuer elects to carry forward. The Deposit Security shall be forfeited if the financing is not completed within six calendar years with respect to pollution control devices and within three calendar years for all other projects. The first "calendar year" shall be the year 1985. No forfeiture of the Deposit Security shall occur if, before the respective financing is completed, the Code is amended in such a manner that the issuer's obligations with respect to such allocation are no longer exempt from federal income tax, or if changes in Arizona law prevent the issuer from issuing such obligations, or if the issuer fails to receive approval from federal or state jurisdictions other than the issuer which approvals are conditions precedent to either the issuance of such obligations or the construction of the project, or if for any reason outside the control of either the issuer or the user, either the financing cannot be completed or the project cannot be constructed.

(c) I further find that some or all of the foregoing may be eligible for a priority under H.R. 4170 with respect to future allocations. I find that such priorities are not in the best interest of the State and therefore any allocation made pursuant to this Order is conditioned upon the issuer specifically waiving and surrendering forever its rights to claim a priority under H.R. 4170 with respect to any future allocation, whether such allocation be made by later executive order or an act of the Legislature.

(d) No allocation made herein shall become perfected unless on or before December 27, 1984, the issuer shall cause to be filed with the Office proof that the issuer has taken official action to elect to carry forward the allocation herein made and a document evidencing waiver and surrender of any priority mentioned in this Section 4 and file the Deposit Security required by Section 3 hereof. The Deposit Security shall be released upon the filing of proof of closing. If the amount of Bonds actually issued is less than the amount the issuer elects to carryforward the Deposit Security may be released pro rata. Proof of the election to carryforward the allocation herein may be made by an officer or member of the Governing Board of the issuer. Proof may be telegraphic or telecopy means or may be submitted directly to the Office.

(e) If the issuer fails to issue its obligations in the total amount allocated and the Deposit Security is therefore subject to forfeit, a pro rata share only of the Deposit Security shall be forfeited; such forfeiture shall be in the proportion that the unissued amount bears to the total allocation to such issuer made by this Order.

(f) In the event any one or more issuers fail to perfect the allocation in the manner herein stated, I hereby reallocate all unperfected allocations made by this Order to AELMAC.

Section 5. Subsequent Orders Relating to Use of Forfeited Amounts.

A subsequent executive order will be issued providing for the disposition of moneys obtained by forfeiture of Deposit Security.

Section 6. Allocation may be Used in 1984.

Any perfected allocation obtained pursuant to this Order may be used in calendar year 1984 or may be carried forward as provided in Section 103 (n) of the Code.

Section 7. Reallocation to be Made Without Subsequent Order.

On December 28, 1984, the Office shall announce the issuers names and amounts of allocations perfected pursuant to this Order and the Director shall issue a confirmation to AELMAC which shall be a reallocation to AELMAC of all the remaining 1984 State Ceiling not theretofore perfected. No subsequent executive order nor filing of any document or Deposit Security will be required to perfect the re-allocation to AELMAC.

Section 8. Form and Manner.

The Office may do all other things necessary or desirable to carry out the purpose of this Order, including the issuance of certifications regarding the aggregate amounts of allocations on Bonds.

Section 9. Limitation of Liability.

No pecuniary recourse shall be had for any claim based upon any obligation contained herein against the State or the Office or any of their past, present or future officers, directors, employees or agents.

Section 10. Effective Date.

This Order shall be effective as of December 24, 1984.

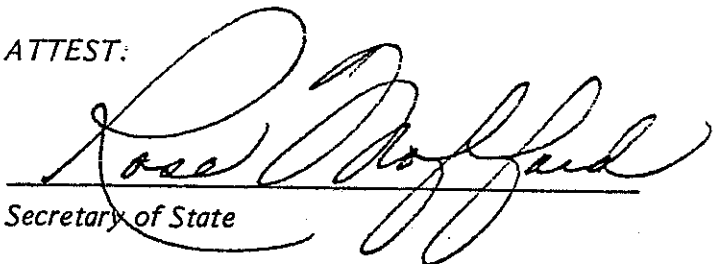


IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.


GOVERNOR

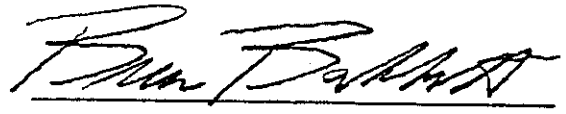
DONE at the Capitol in Phoenix on this twenty-fourth day of December in the Year of Our Lord One Thousand Nine Hundred and Eighty-four and of the Independence of the United States of America the Two Hundred and Eighth.

ATTEST:


Secretary of State

CERTIFICATION

I, Bruce Babbitt, Governor of the State of Arizona, do hereby certify that the formula for allocation of the State Ceiling set forth in the Executive Order dated December 24, 1984, was not made in consideration of any bribe, gift, gratuity, or direct or indirect contribution to any political campaign.

A handwritten signature in dark ink, appearing to read "Bruce Babbitt", written over a horizontal line.

Bruce Babbitt